

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:08-cv-289-RJC**

**J & J SPORTS PRODUCTIONS, INC., )**

**Plaintiff, )**

**vs. )**

**TOYE C. PERRY & TAILGATORZ )  
LLC )**

**Defendants. )**

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**ORDER**

**THIS MATTER** is before the Court upon its own motion.

On November 4, 2008, Plaintiff filed a Response to Order to Show Cause explaining that Plaintiff was unable to locate Defendants and effectuate service. (Doc. No. 8 at 1). Plaintiff also filed a Notice of Dismissal. (Doc. No. 10).

**IT IS THEREFORE ORDERED THAT** Plaintiff's claims are **DISMISSED**  
**WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41(a)(2).

Signed: November 11, 2008



Robert J. Conrad, Jr.  
Chief United States District Judge

